Exhibit B: Lower Los Angeles River (LLAR)

I. Draft Watershed Management Program

In reviewing the Lower Los Angeles River Draft Watershed Management Program, we identified several issues of concern or noncompliance with permit requirements. We discuss a number of those concerns below, although this discussion is not intended as an exhaustive analysis of the WMP's deficiencies.

A. **Water Body-Pollutant Classification**

It is unclear how the WMP's classification sub-categories were created. For example, past final TMDL deadlines are determined to be a lower category than final deadlines that fall within the Permit term[1]. According to the 2012 Permit, non-compliance with past TMDL final deadlines should be the highest priority in WMPs. A discussion of sub-categories must be included in LLAR's WMP.

E. coli is classified as a Category 1C pollutant for the LAR Reaches 1 and for Compton Creek.[2] However, *E.coli* bacteria are classified as Category 1E for these waterbodies.[3] These conflicting statements create confusion, and the LLAR WMP needs to be adjusted to clarify this discrepancy.

The classification of trash for the LAR Estuary (wet and dry) is incorrect as listed in the WMP, where trash in the LAR Estuary is classified as category 2A, which is reserved for 303(d) listed non-legacy pollutants with no applicable TMDL[4]. However, the LAR Trash TMDL specifically addresses trash in the estuary. The LAR Trash TMDL Basin Plan Amendment Resolution explicitly states the TMDL "includes Waste Load Allocations that would ensure attainment of standards in the Estuary"[5]. Therefore the trash impairment for the LAR Estuary should also be classified as 1C.

pH should also be classified as Category 1 instead of 2D for the LAR Reach 1, Compton Creek and the Rio Hondo. Category 2D is reserved for 303(d) listed indicators with no applicable

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[1] John L. Hunter and Associates (June 27, 2014) Lower Los Angeles River Watershed Management Program at 2-1 ("LLAR WMP").
[2] LAR WMP, at 2-3.
[3] *Id.* At 2-7.
[4] *See,* LLAR WMP, at 2-1.
[5] State Board Resolution No. 07-012, Amendment to the Water Quality Control Plan for the Los Angeles Region to Incorporate a Total Maximum Daily Load for Trash in the Los Angeles River Watershed, August 9, 2007.

TMDL; however the 303(d) list states that the LAR Nitrogen Compounds and Related Effects TMDL addresses pH, therefore it should be a Category 1 pollutant.[6]

B. **Water Body-Pollutant Prioritization**

WMPs are required to contain pollutant classifications and prioritization. The draft Lower LAR WMP is deficient in its prioritization discussion. The draft WMP states that the highest Water Quality Priorities ("WQPs") are reserved for, among other things, "Pollutants that are in the same class as a TMDL pollutant".[7] DDT and PCBs impairments are regulated under the Dominguez Channel and Greater Los Angeles and Long Beach Harbor Waters Toxic Pollutants TMDL (*See* 2012 MS4 Permit at Attachment N) and are pesticides; TMDL regulated pollutants have the highest WQP in the Draft WMP[8]. Therefore, since DDT and PCBs are TMDL pollutants and classified as pesticides, it follows that all other classified pesticides should be prioritized at the highest level. However, the draft LLAR WMP categorizes chlordane, diazinon, and chlorpyrifos as only having high WQP.[9] Chlordane, diazinon, and chlorpyrifos need to be classified as highest priority in the WMP. Furthermore, along the same line of argument, PAHs are classified as SVOCs and are regulated under the same TMDL as DDT and PCBs. Therefore, all other classified SVOCs should be classified at the same WQP, which is the highest WQP. However, bis(2-ethylhexyl)phthalate, another classified SVOC, is only classified at the high WQP.[10]

C. **Reliance on Other Processes for Pollution Reduction**

The LLAR permittees disproportionately rely on future legislative or policy changes to reduce current pollutants loading to comply with water quality standards. For example, they rely heavily on SB 346, the copper brake pad bill, to reduce copper loading by 45 to 60 percent and comply with copper limits in the Metals TMDL.[11][12] While Environmental Groups also anticipate copper load reduction over the next decade as SB 346 is implemented, the permittees must demonstrate through modeling or some other mechanism the extent of the legislation's predicted impact in the relevant sub-watersheds so that they can determine what further action is necessary. Even more

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[6] *See*, http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/01096.shtml#4238.
[7] LLAR WMP at 2-43.
[8] LLAR WMP, Table 2-21 at 2-44 and 2-45.
[9] *Id.* at 2-13.
[10] *Id.* at 2-45.
[11] Based on the Los Cerritos Channel Watershed Group commissioned study, "Estimate of Urban Runoff Reduction in Los Angeles County from the Brake Pad Copper Reductions Mandated by SB 236", but it was not attached to the WMP and is therefore difficult to evaluate (LLAR WMP at 3-2).
[12] *See*, LLAR WMP, at 3-2.

speculative, permittees repeatedly mention potential legislation, which has yet to be drafted or passed, to regulate zinc in tires.[13]

D. **Watershed Control Measures**

Initial source control through nonstructural BMPs is assumed to result in a 10% load reduction. What data is there to support this 10% load reduction?[14]

It is unclear where trash nets and full capture devices are located within Long Beach's jurisdiction, as details are not provided in Table 3-5 of the Draft WMP.[15] More clarification and a map of their location should be provided, as these control measures are necessary for compliance with the Los Angeles River Trash TMDL.[16]

The proposed LAR Estuary bacteria load reduction strategy implementation schedule is inappropriately long for compliance with the Los Angeles River Estuary Bacteria TMDL. Permittees propose, "Submit[ting] Load Reduction Strategy (LRS) to Regional Board" by March 23, 2023 for TMDL compliance. The WMP should justify the 2023 deadline for submittal of the implementation plan. Other permittees and their associated LAR segments under the adopted Bacteria TMDL are required to submit LRS between 2014 and 2018.[17]The proposed LRD needs to be consistent with other LAR segments as well as follow LAR Bacteria TMDL interim and final deadlines.

II. Draft Coordinated Integrated Monitoring Program (CIMP)

A. **Stormwater Outfall Monitoring**

The permittees propose outfall monitoring at four monitoring sites in the WMA that are representative of land use, however there is no map with proposed storm drain outfall monitoring sites overlaid with land use . How can we be certain that chosen outfall locations are truly representative of land uses if necessary information and/or evaluation is not included in submitted draft monitoring plans? Additionally, although the unlabeled table on page 10 indicates current land uses within selected outfalls drainage areas, it does not address how these outfalls relate to overall land use in the watershed management area.[18] A discussion comparing outfall drainage area land use with watershed management area land uses is necessary to comply with stormwater outfall based monitoring requirements of the Monitoring and Reporting Program.[19]

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[13] *Id.* at 3-2, 3-37, 3-42.
[14] *See*, LLAR WMP, at 3-3, 5-1.
[15] *Id.* at 3-24.
[16] *Id.*at 3-24.
[17] *Id.* at 3-28.
[18] Kinetic Laboratories, Incorporated (June 28, 2014) Coordinated Integrated Monitoring Program for Lower Los Angeles River ("LLAR CIMP") at 9-10.
[19] LLAR WMP, at E-21.

B. **Deficiency of Included Maps for CIMP Evaluation**

Maps provided in the draft CIMP are insufficient for evaluating the monitoring plan. For example, Figure 3-1: Monitoring Locations in the Lower Los Angeles River Watershed is difficult to interpret.[20] It is unclear exactly what this map is representing. Furthermore, outfall catchment areas must be included in Figure 3-1 to identify drainage areas for monitoring locations.

The CIMP should be amended to clearly state that stormwater outfalls will be monitored during the *first* qualifying storm event of each wet season as outlined in the 2012 MS4 Permit.[21] Further description of how the remaining two storm events sampled each year will be determined should also be included in the final CIMP.[22]

C. **Non-Stormwater Outfall Monitoring Constituent Elimination**

The draft CIMP states that "if monitoring demonstrates that discharges do not exceed any WQBELs, non-stormwater action levels, or water quality standards for pollutants identified on the 303(d) list after the first year, monitoring of the pollutants meeting all receiving water limitation will be no longer necessary"[23].This statement contradicts 2012 Permit requirements on pg. E-28 of the Monitoring and Reporting Program. Before eliminating non-stormwater pollutant monitoring, the 2012 MS4 Permit requires Permittees to submit a request to the Regional Board for approval. Language denoting Regional Board approval of constituent monitoring reduction following first year monitoring data must be included in the CIMP.

D. **Non-Stormwater Outfall Monitoring Frequency**

The 2012 MS4 Permit specifies that non-stormwater outfall monitoring shall occur at least four times per year. The draft CIMP states that dry weather TMDL receiving water monitoring will be conducted quarterly in the first year, and since receiving water monitoring requires two dry weather monitoring events per year, in all subsequent years outfall monitoring will also only take place twice a year. It is unclear what connection receiving water monitoring frequencies have to outfall monitoring, and regardless, the proposed outfall monitoring frequency is inconsistent with the 2012 MS4 Permit.[24]

[20] *See,* LLAR CIMP, at 12.
[21] 2012 Permit, at E-22.
[22] LLAR CIMP at 16.
[23] *Id.* at 81.
[24] *Id.* at 82.